

REMARKS

Applicant respectfully requests reconsideration of the present application based on the foregoing amendments and the following remarks. In the Office Action, claim 17 is allowed and claims 17, 4, 5, 50 and 118 are identified as including allowable subject matter. Claims 1-5, 12-16, 18-23, 26-35, 38-47, 51, 54-81 and 89-93 stand rejected. Claims 38 and 51 are amended for grammatical reasons.

Interview Summary

Applicant thanks the Examiner for the courtesies extended during the telephonic interview held on June 27, 2011. In the interview, inventor Karl Bizjak described the claimed subject matter and the differences between the claimed inventions and the prior art. The parties agreed that Applicant should submit certain clarifying amendments to the claims based on descriptions provided by Mr. Bizjak.

Allowable Subject Matter

Applicant thanks the Examiner for allowing claim 17 and acknowledging the allowable subject matter in claims 4, 5, 50 and 118. The Office Action objects to claims 17-19 as depending from rejected base claims but states that these claims would be allowable if rewritten in independent form. Applicant believes that all of the claims in the Application are now allowable over the cited art and consequently declines the present opportunity to amend the claims to include the rejected base claims. Claims 38 and 51 are amended for reasons of grammar.

The Outstanding Rejections

Applicant has amended independent claims 1, 20, 22, 23, 26 and 26 without prejudice and consistent with the feedback and suggestions received from the Examiner in the Interview. It is believed that the amendments render all remaining objections moot.

Claim 1 is amended to require that an environmental input is modified based on a time response that comprises at least two of (i) delay in responding to a change in the noise indicia, (ii) convergence on a noise indicia level and (iii) slowness of response to the change in the noise indicia (the previously presented claim required a group including delay, converge and slow responses). As noted in the Interview, the prior art active cancellation systems cannot tolerate, *inter alia*, delays in responding to a change in noise indicia, or slowness of response to the change in the noise indicia. Active noise cancellation systems attempt to produce an inverse of

detected noise and any delays in the response of an active noise cancellation system would result, not just in noise "getting through," but also an inverted delayed noise signal being additively introduced. Therefore, it cannot be said that the prior art teaches or suggests the elements of claim 1. Claim 20 has been amended to depend from claim 1 and is allowable for at least the reasons that claim 1 is allowable.

Claims 22, 23 and 26 are amended to include additional clarifying language as suggested by the Examiner in the Interview. The amended claims require the limited negative feedback system controls a negative loop gain and limits the negative loop gain using a gain offset having a predetermined maximum and minimum value. As discussed in the Interview, the prior art does not teach or suggest such a limited negative feedback signal.

Applicant respectfully submits that the amended claims are clearly distinguishable from the art of record and that remaining rejections of the pending are rendered moot.

CONCLUSION

All objections and rejections having been addressed, and in view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. The Examiner is kindly requested to contact the undersigned at the telephone number listed below if any points remain in issue which may best be resolved through a personal or telephone interview. Please charge any fees associated with the submission of this paper to Deposit Account Number 33975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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